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In re Application of
NIEDERNOSTHEIDE et al.
Application No.: 10/089,303
PCT No.: PCT/DE00/03440
Int. Filing Date: 29 September 2000
Priority Date: 30 September 1999
Attorney's Docket No.: 32860-000314/US
For: THYRISTOR ARRANGEMENT WITH TURNOFF
PROTECTION

DECISION ON
RENEWED PETITION
UNDER 37 CFR 1.181

This is in response to applicant's "Renewed Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment" based upon a failure to receive an Office Action filed in the United States Patent and Trademark Office (USPTO) on 08 December 2006 alleging that applicant did not receive the Notification of Missing Requirements mailed on 17 June 2002.

BACKGROUND

A review of the application file reveals that the NOTIFICATION OF MISSING REQUIREMENTS was mailed by the USPTO on 17 June 2002. The notification indicated that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicant was given two months to respond to the Notification or until 17 August 2002 with extensions of time (up to 5 months) available under 37 CFR 1.136(a). No response to the Notification of Missing Requirements was received, and thus, the application was held to be ABANDONED as of midnight on 17 January 2003.

On 05 October 2004, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant. On 02 November 2004, applicant filed the instant petition to withdraw the holding of abandonment. Applicant refiled the petition on 26 September 2006 along with a status inquiry.

On 28 November 2006, a decision dismissing the petition was mailed indicating that the docket record submitted did not provide conclusive proof that the Notification of Missing Requirements was not received.

On 08 December 2006, applicant filed a renewed petition.

DISCUSSION

In order to establish that papers were not received, a petition under 37 CFR 1.181 with a proper showing is required. As set forth in the Official Gazette at 1156 OG 53, the petition must include the following: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records

indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket records must also be referenced in practitioner's statement). No petition fee is required.

Applicant has satisfied Items (1), (2) and (3) above with the statement that the Notification of Missing Requirements was not received, that a review of the file jacket and docket record book was completed and submission of a copy of the docket record where the non-received Office action would have been entered had it been received (that is, the docket record for 17 August 2002). Counsel has provided his docket record and explanation, showing all responses docketed for the USPTO mail date of 17 August 2002 showing that there was no record of a USPTO mailing for the present application. Thus, applicant has provided the proper showing necessary to withdraw the holding of abandonment and the petition may be properly granted at this time.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.181 to request to withdraw holding of abandonment is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a new Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration executed by the inventors, in compliance with 37 CFR 1.497(a) and (b), is required.



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